

1 YOUR NAME Lorenzo Cason
 2 YOUR ADDRESS P.O. Box 122442 San Diego, Ca. 92112
 3 YOUR TELEPHONE NUMBER 619-723-1788

FILED
 2010 JAN 13 PM 4:24

CLERK OF COURT
 SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA
 10 (Must start on line 8 or below)

11 Lorenzo Cason

13 -v-

14 Metropolitan Transit System/San Diego
 15 Transit

Case No. **'10 CV 0098 IEG** **AJB**
 (To be assigned at time of filing)

16 COMPLAINT FOR (Brief description of document)

17 Violations of Title VII of the 1964 Civil Rights Act of 1964 amended

18 Plaintiff alleges:

19 On or about 2005 to termination of employment in 2007, San Diego Transit engaged in a pattern of
 20 racial discrimination and retaliation against plaintiff in an on going pattern that ultimately led to
 21 plaintiff being terminated under false charges. At the same time of this occurrence San Diego
 22 Transit violated plaintiffs ADA rights as protected under the Americans with Disabilities Act of
 23 1990. Further violations included the protections afforded to plaintiffs under AB 2222, the state of
 24 California ADA laws.

25 These infractions begin with violations of a contract between ATU Local 1309 and San Diego
 26 Transit Corporation regarding day off pay where as plaintiff was denied pay, and a Hispanic and
 27 Caucasian were paid per contractual language. Defendants, San Diego Transit withheld pay to
 28 plaintiff interpreting contractual language differently regarding plaintiff. Subsequent to intervention
 by the ATU local 1309 Business Agent, San Diego Transit issued plaintiffs pay but not in its
 entirety. Later plaintiff was falsely charged with violating a company rule against using an electronic
 device other than company issued equipment to contact defendants regarding a problem on
 plaintiffs bus. Plaintiff later filed a complaint against San Diego Transit with the California Highway
 Patrol, a law enforcement agency that upheld plaintiffs charge. SDTC (San Diego Transit) and its
 management did not like the sanction issued by the CHP, and continued to attack plaintiff in various
 ways using anonymous riders who fabricated stories against plaintiff. Plaintiff eventually retained
 legal counsel. Plaintiff was also a union representative involved in hearings held by SDTC against
 other bargaining unit members and successfully defended these members. Upon plaintiffs
 termination, it was rumored that plaintiff saved everyone else but couldn't save his own a___.
 Plaintiff continued to report the retaliation of SDTC to the EEOC. Plaintiffs attorney sent defendants
 a letter advising cease and desist against plaintiff. Yet their actions continued. Plaintiff without
 going into great detail feels this court is the proper forum to resolve this dispute.

\\ODMA\PCDOCS\WORDPERFECT\6869\1 May 26, 1999 (2:51pm)

Lorenzo Cason
 1-13-2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lorenzo Cason**
P.O. Box 122442
San Diego, CA 92112

From: San Diego Local Office
555 W. Beech Street, Suite 504
San Diego, CA 92101



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

488-2008-00411

Mocha Suell, Investigator

(619) 557-7281

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Thomas J. McCammon,
Local Office Director



(Date Mailed)

Enclosures(s)

1. Information on Filing Suit
2. Charge of Discrimination (Form 5)

cc: **SAN DIEGO TRANSIT**
100 16th Street
San Diego, CA 92101

Bus Operations
P.O. Box 122511
San Diego, CA 92112-2511

Jeffrey M. Stumbo
Director of Human Resources and Labor Relations
Metropolitan Transit System (MTS)
1255 Imperial Avenue, Suite #1000
San Diego, CA 92101

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS**LORENZO CASON****DEFENDANTS****METROPOLITAN TRANSIT SYSTEM
SAN DIEGO, TRANSIT****(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**

(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**ATTORNEYS (IF KNOWN)****10 CV 0098 IEG****AJB****II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)**

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|----|-----|---|----|-----|
| PT | DEF | | PT | DEF |
| | | 1 | | |
| | | 2 | | |
| | | 3 | | |
- Citizen of This State
- Citizen of Another State
- Citizen or Subject of a Foreign Country
- Incorporated or Principal Place of Business in This State
- Incorporated and Principal Place of Business in Another State
- Foreign Nation

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).**42:1983 hr 28.1332 hr****V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)**

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none"> 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veterans Benefits 160 Stockholders Suits 190 Other Contract 195 Contract Product Liability 	PERSONAL INJURY <ul style="list-style-type: none"> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 	PERSONAL INJURY <ul style="list-style-type: none"> 362 Personal Injury-Medical Malpractice 363 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <ul style="list-style-type: none"> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability 	<ul style="list-style-type: none"> 610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC881 630 Liquor Laws 640 RR & Truck 650 Airline Regs 660 Occupational Safety/Health 690 Other 	<ul style="list-style-type: none"> 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <ul style="list-style-type: none"> 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY <ul style="list-style-type: none"> 861 HIA (13958) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(e)) FEDERAL TAX SUITS <ul style="list-style-type: none"> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS - Third Party 26 USC 7609 	<ul style="list-style-type: none"> 400 State Reappointment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities Exchange 875 Customer Challenge 12 USC 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State 890 Other Statutory Actions
REAL PROPERTY <ul style="list-style-type: none"> 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Tort to Land 245 Tort Product Liability 290 All Other Real Property 	CIVIL RIGHTS <ul style="list-style-type: none"> 441 Voting 442 Employment 443 Housing/Accommodations 444 Welfare 440 Other Civil Rights 	PRISONER PETITIONS <ul style="list-style-type: none"> 510 Motions to Vacate Sentence Habeas Corpus 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prisoner Conditions 	LABOR <ul style="list-style-type: none"> 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act 		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removal from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: • YES • NO**VIII. RELATED CASE(S) IF ANY (See Instructions):****JUDGE****Docket Number****DATE****SIGNATURE OF ATTORNEY OF RECORD**

\\ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

Lorenzo Cason
1-13-2010